

REMARKS

A. Interview Summary

Applicant's attorney greatly appreciates the courtesy that was extended by the Examiner during the telephonic interviews held on June 2, 2004; June 7, 2004; and June 8, 2004. Examiner Smith participated in the interview conducted on June 8, 2004. These interviews concerned the Applicant's proposed amendment to claim 1, in view of the Examiner's rejection under 35 U.S.C. §102(a) from his Response to Arguments in the Office Action dated March 3, 2004. An objection directed to claim 2 was also discussed.

The Examiner indicated that the Applicant's proposed amendment to claim 1, incorporating the proposed limitation in the preamble that was submitted in Applicant's Response to Office Action Response dated December 12, 2003 into the first element of this claim 1, would be objectionable because it would still be viewed as a limitation on intended use. The Examiner also objected to claim 2 under 35 U.S.C. §103(a) as being obvious over Japan patent no. 200 1170648A to Ja et al in view of Vanson. The Examiner indicated, however, that claims 3-17 would be allowable if rewritten in independent form to incorporate all the limitations of the base claim and any intervening claims.

In view of this clarification and proposed amendments, the Examiner indicated that a written response articulating Applicants' proposed amendments adopting the Examiner's suggestions would overcome all rejections. In the Amendments accompanying this paper, Applicants have amended the claims accordingly to comply with the Examiner's suggestions. Thus, the application is believed to be in condition for allowance, and a Notice of Allowance if respectfully requested. Should the Examiner have comments or additions to this summary, the Examiner is hereby invited to contact Ms. Fan at the number listed below.

B. Status of Claims

Claims 1-26 are pending in the application. Claims 18-21 and 23-26 are allowed. Claim 1 stands rejected. Claims 2-17 and 22 are objected to.

Claims 1 and 2 have been canceled in view of the Examiner's remarks in the Office Action dated March 4, 2004 and Interview on June 8, 2004. Claims 3, 4, 7, 8, 10, and 11 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims, pursuant to the Examiner's suggestion. Claim 22 has been amended to correct a typographical error, pursuant to the Examiner's objection. Claim 23 has also been amended to correct a similar typographical error. Applicant submits that no new matter is introduced by the proposed amendments; entry thereof is respectfully requested.

C. Amendments to the Drawings

Amendments to the drawing been made to correct certain informalities. Figure 2 is objected to because Figure 2 has also been labeled as "figure 1." See Office Action dated March 4, 2004 at page 2. Pursuant to this objection, Figures 1 and 2 have thus been amended to include separate figure references for each drawing. Withdrawal of the objection is respectfully requested.

D. Amendments to the Specification

Amendments to the specification have been made so as to correct typographical errors and to more particularly point out the invention. Specifically, Applicant has amended the Abstract to include the word "of" after "amount" in line 1 and to change the word "reduces" to "reduce" in line 6. Applicant submits that no new matter is introduced by the proposed amendments to the specification, entry thereof is respectfully requested.

E. The Response

1. Rejection of Claim 1 under 35 U.S.C. § 102(a)

Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by Japan patent no. 200 1170648A to Ja et al (“Ja”). The Examiner contends that “Ja describes an apparatus comprising a permeable membrane defining a bag having an opening, an interior space and fine openings in the membrane with chitosan located within the bag.” Office Action dated March 4, 2004 at page 3. Applicants respectfully submit that the claimed invention is not anticipated by Ja.

In a sincere effort to place the claims in a condition of allowance, however, Applicant has canceled claim 1 and amended the claims to address the Examiner’s concern. The Examiner noted that claims 3-17 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. *See* Final Office Action dated March 4, 2003 at page 4. Pursuant to this suggestion, Applicant has rewritten claims 3, 4, 7, 8, 10, and 11 to incorporate the limitations of claim 1, and any intervening claims. Therefore, claims 3, 4, 7, 8, 10, and 11 as amended are in a condition of allowance. It follows that all of the claims dependent therefrom, including claims 5, 6, 9, and 12-17 are also allowable. Accordingly, the rejection under 35 U.S.C. § 102(a) is rendered moot.

2. Objection to Claim 22

Claim 22 is objected to because of an typographical error. In particular, the Examiner states that “the word ‘membrane’ is missing after the second occurrence of ‘permeable’ in line 5 of the claim.” Office Action dated March 3, 2004 at page 4. Pursuant to the

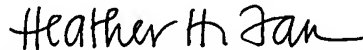
Examiner's remarks, claim 22 has been amended to include the word "membrane" after the second occurrence of "permeable" in line 5 of the claim. As such, Applicant submits that claim 22, as amended, is patentable and respectfully requests allowance of this claim.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe that the application is in proper form and condition for allowance. A Notice of Allowance is earnestly requested. Outside the fee for the petition for extension of time, it is believed that no other fee is due at this time. Should any fee be required for any reason related to this document, however, the Commissioner is authorized to charge said fee to Deposit Account No. 08-3038, referencing Docket No. 11533.0024.NPUS00. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8100.

Respectfully submitted,

Date: July 6, 2004



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